

EXHIBIT 4

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
2 Charles K. Verhoeven (Cal. Bar No. 170151)
charlesverhoeven@quinnemanuel.com
3 David Perlson (Cal. Bar No. 209502)
davidperlson@quinnemanuel.com
4 Melissa J. Baily (Cal. Bar No. 237649)
melissabaily@quinnemanuel.com
5 John Neukom (Cal. Bar No. 275887)
johnneukom@quinnemanuel.com
6 Jordan R. Jaffe (Cal. Bar No. 254886)
jordanjaffe@quinnemanuel.com
7 50 California Street, 22nd Floor
San Francisco, California 94111-4788
8 Telephone: (415) 875-6600
Facsimile: (415) 875-6700

9 Attorneys for Plaintiff WAYMO LLC

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 WAYMO LLC

Case No. 3:17-cv-00939-JCS

14 Plaintiff,

**PLAINTIFF WAYMO LLC'S FOURTH
SET OF REQUESTS FOR PRODUCTION
TO DEFENDANTS**

15 vs.

Honorable William H. Alsup

16 UBER TECHNOLOGIES, INC.;
17 OTTOMOTTO, LLC; OTTO TRUCKING
LLC,

18 Defendants.

20
21 **PLAINTIFF'S FOURTH SET OF REQUESTS FOR PRODUCTION
TO DEFENDANTS UBER TECHNOLOGIES, INC.; OTTOMOTTO, LLC; OTTO
TRUCKING LLC.**

23 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiff Waymo LLC
24 ("Waymo") request that Defendants Uber Technologies, Inc. ("Uber"), Ottomotto, LLC
25 ("Ottomotto"), and Otto Trucking LLC ("Otto Trucking" (collectively "Defendants"), produce for
26 inspection and copying within thirty days (30) hereof the documents set forth below at the offices
27

1 of Quinn Emanuel Urquhart & Sullivan, LLP, 50 California Street, 22nd Floor, San Francisco,
 2 California, 94111, or at a place and time as may be agreed to by counsel.

3 **DEFINITIONS**

4 1. “WAYMO” means Waymo LLC and its officers, directors, current and former
 5 employees, counsel, agents, consultants, representatives, and any other persons acting on behalf of
 6 any of the foregoing, and WAYMO’s affiliates, parents, divisions, joint ventures, licensees,
 7 franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether
 8 foreign or domestic, that are owned or controlled by WAYMO, and all predecessors and
 9 successors in interest to such entities, and any entity owned in whole or in part by, affiliated with,
 10 or controlled in whole or in part by WAYMO.

11 2. “GOOGLE” means Google Inc. and its officers, directors, current and former
 12 employees, counsel, agents, consultants, representatives, and any other persons acting on behalf of
 13 any of the foregoing, and GOOGLE’s affiliates, parents, divisions, joint ventures, licensees,
 14 franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether
 15 foreign or domestic, that are owned or controlled by GOOGLE, and all predecessors and
 16 successors in interest to such entities, and any entity owned in whole or in part by, affiliated with,
 17 or controlled in whole or in part by GOOGLE.

18 3. “UBER” means Uber Technologies, Inc. and its officers, directors, current and
 19 former employees, counsel, agents, consultants, representatives, and any other persons acting on
 20 behalf of any of the foregoing, and UBER’s affiliates, parents, divisions, joint ventures, licensees,
 21 franchisees, assigns, predecessors and successors in interest, and any other legal entities, whether
 22 foreign or domestic, that are owned or controlled by UBER, and all predecessors and successors in
 23 interest to such entities, and any entity owned in whole or in part by, affiliated with, or controlled
 24 in whole or in part by UBER.

25 4. “OTTOMOTTO” means Ottomotto LLC and its officers, directors, current and
 26 former employees, counsel, agents, consultants, representatives, and any other persons acting on
 27 behalf of any of the foregoing, and OTTOMOTTO’s affiliates, parents, divisions, joint ventures,

1 licensees, franchisees, assigns, predecessors and successors in interest, and any other legal entities,
 2 whether foreign or domestic, that are owned or controlled by OTTOMOTTO, and all predecessors
 3 and successors in interest to such entities, and any entity owned in whole or in part by, affiliated
 4 with, or controlled in whole or in part by OTTOMOTTO. For the avoidance of doubt,
 5 OTTOMOTTO includes all former names under which OTTOMOTTO operated, including
 6 without limitation 280 Systems, Inc., 280 Systems, LLC, and Ottomotto, Inc.

7 5. “OTTO TRUCKING” means Otto Trucking LLC and its officers, directors,
 8 current and former employees, counsel, agents, consultants, representatives, and any other persons
 9 acting on behalf of any of the foregoing, and OTTO TRUCKING’s affiliates, parents, divisions,
 10 joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any
 11 other legal entities, whether foreign or domestic, that are owned or controlled by OTTO
 12 TRUCKING, and all predecessors and successors in interest to such entities, and any entity owned
 13 in whole or in part by, affiliated with, or controlled in whole or in part by OTTO TRUCKING.

14 6. “DEFENDANTS” means UBER, OTTOMOTTO, and OTTO TRUCKING.

15 7. “LEVANDOWSKI” means Anthony Levandowski.

16 8. “FUJI” means each version or generation of the LIDAR system(s) DEFENDANTS
 17 have identified by the name Fuji, including any “precursor” or related projects such as LIDAR 0
 18 or Mr. Fast Lens.

19 9. “SPIDER” means each version or generation of the LIDAR system(s)
 20 DEFENDANTS have identified by the name Spider.

21 10. “OWL” means each version or generation of the LIDAR system(s) DEFENDANTS
 22 have identified by the name Owl.

23 11. “KSHIRSAGAR” means Sameer Kshirsagar.

24 12. “RADUTA” means Radu Raduta.

25 13. “MISAPPROPRIATED MATERIALS” refers to all GOOGLE and WAYMO
 26 DOCUMENTS and materials, whether digital or physical, and regardless of the manner stored, for
 27 which any current or former employee of DEFENDANTS retained possession, without

1 authorization of either GOOGLE or WAYMO, after the employee ended his or her employment
 2 with GOOGLE/WAYMO. Without limitation, MISAPPROPRIATED MATERIALS includes at
 3 least: (i) each of the more than 14,000 digital files downloaded by LEVANDOWSKI on or about
 4 December 11, 2015 from the SVN repository; (ii) each file copied by LEVANDOWSKI from his
 5 GOOGLE laptop to an RFD5 USB 3.0 card reader on or about December 14, 2015; (iii) each of
 6 the five files that were exported by LEVANDOWSKI from Google Drive to a personal device on
 7 or about January 4, 2016; (iv) the file exported by LEVANDOWSKI from Google Drive to a
 8 personal device on or about January 11, 2016; (v) the file that was exported by LEVANDOWSKI
 9 from Google Drive to a personal device on or about November 19, 2016; (vi) the file that was
 10 exported by LEVANDOWSKI from Google Drive to a personal device on or about November 4,
 11 2016; each of the five files that were exported by KSHIRSAGAR from Google Drive in or around
 12 June and July 2016; (vii) each of the three files that were exported by RADUTA from Google
 13 Drive on or around July 28, 2016.

14 14. “LiDAR” means Light Detection and Ranging.

15 15. “ASSERTED PATENTS” means U.S. Patent Nos. 8,836,922; 9,368,936;
 16 9,285,464; and 9,086,273.

17 16. “PCB” means printed circuit board.

18 17. “DOCUMENTS” shall INCLUDE, without limitation, all written, graphic or
 19 otherwise recorded material, INCLUDING without limitation, electronically stored information
 20 regardless of the form of storage medium, microfilms or other film records or impressions, tape
 21 recordings or computer cards, floppy disks or printouts, any and all papers, photographs, films,
 22 recordings, memoranda, books, records, accounts, communications, letters, telegrams,
 23 correspondence, notes of meetings, notes of conversations, notes of telephone calls, inter-office
 24 memoranda or written communications of any nature, recordings of conversations either in
 25 writings or upon any mechanical or electrical recording devices, INCLUDING e-mail, notes,
 26 papers, reports, analyses, invoices, canceled checks or check stubs, receipts, minutes of meetings,
 27 time sheets, diaries, desk calendars, ledgers, schedules, licenses, financial statements, telephone
 28

1 bills, logs, and any differing versions of any of the foregoing, whether so denominated, formal,
 2 informal or otherwise, as well as copies of the foregoing which differ in any way, INCLUDING
 3 by the addition of handwritten notations or other written or printed matter of any nature, from the
 4 original. The foregoing specifically INCLUDES information stored in a computer database and
 5 capable of being generated in documentary form, such as electronic mail, text messages (i.e., SMS
 6 messages), other electronic messages including messages sent or received via Slack, WhatsApp,
 7 Google Hangouts, Facebook Messenger, and the like.

8 18. “COMMUNICATIONS” shall mean, without limitation, any transmission,
 9 conveyance or exchange of a word, statement, fact, thing, idea, DOCUMENT, instruction,
 10 information, demand or question by any medium, whether by written, oral or other means,
 11 including but not limited to, electronic communications and electronic mail (“e-mail”).

12 19. “THING” means any tangible object, other than a DOCUMENT.

13 20. “PERSON” means to any individual, corporation, proprietorship, association, joint
 14 venture, company, partnership or other business or legal entity, including governmental bodies and
 15 agencies. The masculine includes the feminine and vice versa; the singular includes the plural and
 16 vice versa.

17 21. “REGARDING” shall mean relating to, referring to, mentioning, reflecting,
 18 pertaining to, evidencing, involving, describing, discussing, commenting on, embodying,
 19 responding to, supporting, contradicting, or constituting (in whole or in part), as the context makes
 20 appropriate.

21 22. “INCLUDE” and “INCLUDING” shall mean including without limitation.

22 23. Use of the singular also INCLUDES the plural and vice-versa.

23 24. The words “or” and “and” shall be read in the conjunctive and in the disjunctive
 24 wherever they appear, and neither of these words shall be interpreted to limit the scope of these
 25 Requests for Production.

26 25. The use of a verb in any tense shall be construed as the use of the verb in all other
 27 tenses.

26. The term "any" shall include "all" and "all" shall include "any."

INSTRUCTIONS

The following instructions shall apply to each of the Requests herein:

4 27. In answering the following Requests, furnish all available information, including
5 information in the possession, custody or control of any of DEFENDANTS' attorneys, directors,
6 officers, agents, employees, representatives, associates, investigators, divisions, affiliates,
7 partnerships, parents, subsidiaries and PERSONS under DEFENDANTS' control, who have the
8 best knowledge, not merely information known to DEFENDANTS based on DEFENDANTS own
9 personal knowledge. If DEFENDANTS cannot fully respond to the following Requests after
10 exercising due diligence to secure the information requested thereby, so state, and specify the
11 portion of each Request that cannot be responded to fully and completely. In the latter event, state
12 what efforts were made to obtain the requested information and the facts relied upon that support
13 the contention that the Request cannot be answered fully and completely; and state what
14 knowledge, information or belief DEFENDANTS have concerning the unanswered portion of any
15 such Request.

16 28. All documents must be produced in accordance with the requirements of Federal
17 Rule of Civil Procedure 34(b).

18 29. Electronic records and computerized information shall be produced in an
19 intelligible format, together with a description of the system from which they were derived
20 sufficient to permit rendering the records and information intelligible.

21 30. Selection of documents from the files and other sources and the numbering of such
22 documents shall be performed in such a manner as to ensure that the source of each document can
23 be determined.

24 31. File folders with tabs or labels or directories of files identifying documents shall be
25 produced intact with such documents.

1 32. Documents attached to each other shall not be separated. All documents that
2 respond, in whole or in part, to any portion of any request shall be produced in their entirety,
3 including all addenda, appendices, attachments and enclosures.

4 33. If DEFENDANTS' response to a particular Request is a statement that
5 DEFENDANTS lack the ability to comply with that Request, DEFENDANTS shall specify
6 whether the inability to comply is because the particular item or category of information never
7 existed, has been destroyed, has been lost, misplaced or stolen, or has never been, or is no longer
8 in DEFENDANTS' possession, custody or control, in which case DEFENDANTS shall identify
9 the name and address of any person or entity known or believed by DEFENDANTS to have
10 possession, custody or control of that information or category of information.

11 34. DEFENDANTS' obligation to respond to these Requests is continuing, and their
12 responses are to be supplemented to include subsequently acquired information in accordance with
13 the requirements of Rule 26(e) of the Federal Rules of Civil Procedure.

14 35. To the extent DEFENDANTS can provide separate information for each
15 DEFENDANT, DEFENDANTS should do so.

DOCUMENT REQUESTS

17 | REQUEST FOR PRODUCTION NO. 266:

18 DOCUMENTS sufficient to show UBER's market capitalization and internal valuation of
19 itself on a quarterly basis, from the year prior to the year in which UBER first contemplated
20 developing autonomous vehicles through the present.

21 | REQUEST FOR PRODUCTION NO. 267:

22 DOCUMENTS sufficient to show the impact of developing autonomous vehicles on
23 Uber's internal valuation of itself from the year prior to the year in which UBER first
24 contemplated developing autonomous vehicles through the present.

REQUEST FOR PRODUCTION NO. 268:

1 DOCUMENTS describing UBER's development of autonomous vehicles as necessary to
 2 the continued viability of UBER or to the continued viability of any aspect of UBER's business,
 3 INCLUDING but not limited to characterizations of a competitor's development or deployment of
 4 autonomous vehicles as an existential threat to UBER.

REQUEST FOR PRODUCTION NO. 269:

7 DOCUMENTS sufficient to show each iteration of DEFENDANTS' plan to launch any
 8 autonomous vehicles in any geographic region from the time DEFENDANTS first contemplated
 9 developing or deploying autonomous vehicles to the present.

REQUEST FOR PRODUCTION NO. 270:

11 DOCUMENTS sufficient to show DEFENDANTS' estimates of the size of the ride-
 12 sharing market and DEFENDANTS' share of that market in the United States for each of the last
 13 six years on a quarterly basis. To the extent DEFENDANTS break out such estimates by
 14 geography (region, city, etc.), those estimates should also be provided.

REQUEST FOR PRODUCTION NO. 271:

16 DOCUMENTS sufficient to show DEFENDANTS' forecasts of the size of the ride-sharing
 17 market, the percentage of the ride-sharing market that will be serviced by autonomous vehicles,
 18 and DEFENDANTS' share of that market in the United States (by autonomous vehicles and
 19 vehicles driven by contractors) for any period of time forecasted by UBER, on a quarterly basis.
 20 To the extent DEFENDANTS break out such estimates by geography (country, region, city, etc.),
 21 those estimates should also be provided. To the extent DEFENDANTS create different forecasts
 22 based on different assumptions, documents REGARDING each forecast – with documents
 23 sufficient to show the assumptions for each – should be provided.

REQUEST FOR PRODUCTION NO. 272:

25 DOCUMENTS sufficient to show DEFENDANTS' forecasts REGARDING the number of
 26 DEFENDANTS' ride-sharing vehicles in the United States (by autonomous vehicles and vehicles
 27 driven by contractors), for any period of time forecasted by UBER —broken out by on a quarterly

1 basis. To the extent DEFENDANTS break out such estimates by geography (country, region, city,
2 etc.), those estimates should also be provided. To the extent DEFENDANTS create different
3 forecasts based on different assumptions, documents REGARDING each forecast – with
4 documents sufficient to show the assumptions for each – should be provided.

5 **REQUEST FOR PRODUCTION NO. 273:**

6 DOCUMENTS sufficient to show DEFENDANTS' business plans, strategic plans,
7 operating plans, marketing plans, financial plans, sales plans, and investment plans for its ride-
8 sharing business, INCLUDING projections for revenue generation and profitability.

9 **REQUEST FOR PRODUCTION NO. 274:**

10 DOCUMENTS sufficient to show DEFENDANTS' business plans, strategic plans,
11 operating plans, marketing plans, financial plans, sales plans, and investment plans for its
12 autonomous vehicle program, INCLUDING projections for revenue generation and profitability of
13 the autonomous vehicle program.

14 **REQUEST FOR PRODUCTION NO. 275:**

15 DOCUMENTS sufficient to show DEFENDANTS' analysis of any barriers to entry in the
16 ride-sharing market and the status of any attempts by DEFENDANTS to enforce such barriers
17 against competitors INCLUDING WAYMO, INCLUDING investments and infrastructure
18 needed.

19 **REQUEST FOR PRODUCTION NO. 276:**

20 DOCUMENTS REGARDING DEFENDANTS' discussion of WAYMO or its business,
21 INCLUDING DEFENDANTS' analysis of WAYMO's impact or potential impact on the ride-
22 sharing market or on UBER.

23 **REQUEST FOR PRODUCTION NO. 277:**

24 DOCUMENTS sufficient to identify the date that UBER first considered deploying
25 autonomous vehicles.

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1 **REQUEST FOR PRODUCTION NO. 278:**

2 DOCUMENTS sufficient to identify the date that UBER first considered developing its
3 own autonomous vehicles.

4 **REQUEST FOR PRODUCTION NO. 279:**

5 DOCUMENTS sufficient to identify the date that UBER first considered developing its
6 own in-house LiDAR.

7 **REQUEST FOR PRODUCTION NO. 280:**

8 DOCUMENTS REGARDING the importance of a first-mover advantage in
9 commercializing autonomous vehicles, INCLUDING any estimates of the market shares of other
10 entrants that are not first to market.

11 **REQUEST FOR PRODUCTION NO. 281:**

12 DOCUMENTS REGARDING the importance of LiDAR, INCLUDING the importance of
13 low-cost LiDAR, to DEFENDANTS' ability to compete.

14 **REQUEST FOR PRODUCTION NO. 282:**

15 DOCUMENTS REGARDING the relative value of safety (vis-à-vis, for example, cost and
16 timing of entry into relevant markets) in the commercialization of autonomous vehicles.

17 **REQUEST FOR PRODUCTION NO. 283:**

18 DOCUMENTS sufficient to show DEFENDANTS' analysis of WAYMO's technological
19 lead REGARDING autonomous vehicle technology (INCLUDING DEFENDANTS' estimates of
20 the time, personnel, and investment needed to close the gap between DEFENDANTS and
21 WAYMO), and documents sufficient to show how DEFENDANTS' analysis or estimates have
22 changed over time.

23 **REQUEST FOR PRODUCTION NO. 284:**

24 DOCUMENTS sufficient to show DEFENDANTS' analysis of how WAYMO's
25 technological lead over DEFENDANTS REGARDING autonomous vehicle technology
26 (INCLUDING DEFENDANTS' estimates of the time, personnel, and investment needed to close
27

1 the gap between DEFENDANTS and WAYMO) changed after Uber's acquisition of
2 OTTOMOTTO and OTTO TRUCKING.

3 **REQUEST FOR PRODUCTION NO. 285:**

4 DOCUMENTS sufficient to show DEFENDANTS' analysis of WAYMO's technological
5 lead REGARDING LiDAR technology (INCLUDING DEFENDANTS' estimates of the time,
6 personnel, and investment needed to close the gap between DEFENDANTS and WAYMO), and
7 documents sufficient to show how DEFENDANTS' analysis or estimates have changed over time.

8 **REQUEST FOR PRODUCTION NO. 286:**

9 DOCUMENTS sufficient to show DEFENDANTS' analysis of how WAYMO's
10 technological lead over DEFENDANTS REGARDING LiDAR technology (INCLUDING
11 DEFENDANTS' estimates of the time, personnel, and investment needed to close the gap between
12 DEFENDANTS and WAYMO) changed after UBER's acquisition of OTTOMOTTO and OTTO
13 TRUCKING.

14 **REQUEST FOR PRODUCTION NO. 287:**

15 DOCUMENTS sufficient to show DEFENDANTS' comparisons of the cost and
16 profitability of a human-driven versus an autonomous vehicle in a ride-sharing fleet.

17 **REQUEST FOR PRODUCTION NO. 288:**

18 DOCUMENTS sufficient to show the historical and current cost of DEFENDANTS'
19 autonomous vehicles, broken down by component, and dating back to the inception of
20 DEFENDANTS' autonomous vehicle program. As noted in the Instructions above, to the extent
21 DEFENDANTS can provide separate information for each Defendant, DEFENDANTS should do
22 so.

23 **REQUEST FOR PRODUCTION NO. 289:**

24 DOCUMENTS sufficient to show DEFENDANTS' total financial investment including
25 but not limited to employee time, purchase of capital equipment, and outside consultants, by
26 quarter, into its efforts to develop in-house LiDAR. As noted in the Instructions above, to the
27

1 extent DEFENDANTS can provide separate information for each Defendant, DEFENDANTS
2 should do so.

3 **REQUEST FOR PRODUCTION NO. 290:**

4 DOCUMENTS sufficient to show DEFENDANTS' investment, in terms of time including
5 but not limited to engineers, software developers, managers, and executives (broken out by each
6 category of employee), into its efforts to develop in-house LiDAR. As noted in the Instructions
7 above, to the extent DEFENDANTS can provide separate information for each Defendant,
8 DEFENDANTS should do so.

9 **REQUEST FOR PRODUCTION NO. 291:**

10 Patent licenses or agreements relating to LiDAR.

11 **REQUEST FOR PRODUCTION NO. 292:**

12 DOCUMENTS REGARDING non-infringing alternatives to the patents-in-suit, and the
13 estimated cost (INCLUDING both money and time) of implementing the same.

14 **REQUEST FOR PRODUCTION NO. 293:**

15 DOCUMENTS sufficient to show the impact to DEFENDANTS of having to redesign Fuji
16 to avoid using the trade secrets identified in response to UBER's interrogatory No. 1.

17 **REQUEST FOR PRODUCTION NO. 294:**

18 DOCUMENTS sufficient to show any valuation (whether conducted by UBER or by a
19 third party) of the assets and technology acquired in the acquisition of Otto by Uber, INCLUDING
20 valuations performed for the purpose of purchase price accounting or any other purpose.

21 **REQUEST FOR PRODUCTION NO. 295:**

22 DOCUMENTS sufficient to show any DEFENDANTS' projected revenue, gross margin,
23 and operating profit for any division including autonomous vehicles.

24 **REQUEST FOR PRODUCTION NO. 296:**

25 DOCUMENTS sufficient to show any the financials, INCLUDING profit and loss
26 statements and balance sheet, for OTTOMOTTO, OTTO TRUCKING, and any division of UBER
27 including autonomous vehicles.

1 **REQUEST FOR PRODUCTION NO. 297:**

2 DOCUMENTS sufficient to show DEFENDANTS' approved requests for capital
3 expenditure authorizations related to its autonomous vehicle program, INCLUDING R&D
4 expenditures, technology/equipment acquisitions, and marketing expenditures.

5
6 DATED: June 27, 2017

7 QUINN EMANUEL URQUHART &
8 SULLIVAN, LLP

9 By: /s/ Charles K. Verhoeven

10 Charles K. Verhoeven
11 Attorneys for Plaintiff WAYMO LLC.

PROOF OF SERVICE

2 I, James D. Judah, am employed in the County of San Francisco, State of California. I am
3 over the age of eighteen years and not a party to the within action. My business address is
4 50 California Street, 22nd Floor, San Francisco, California 94111-4788.

5 On June 28, 2017, I served true copies of the following document(s) described as
6 "Plaintiff's Third Set of Requests for Production to Defendants Uber Technologies, Inc.;
7 Ottomotto, LLC; and Otto Trucking LLC" on the interested parties in this action as follows:

Recipient	Email Address:
Arturo J. Gonzalez	
Daniel Pierre Muino	UberWaymo@mofo.com
Eric Akira Tate	
Esther Kim Chang	
Matthew Ian Kreeger	
Michael A. Jacobs	
MORRISON & FOERSTER LLP	
425 Market Street	
San Francisco, CA 94105	
Michelle Ching Youn Yang	
MORRISON FOERSTER LLP	
2000 Pennsylvania Avenue, NW	
Washington, DC 20006	
Rudolph Kim	
MORRISON & FOERSTER LLP	
755 Page Mill Road	
Palo Alto, CA 94304	
Wendy Joy Ray	
MORRISON & FOERSTER LLP	
707 Wilshire Boulevard	
Suite 6000	
Los Angeles, CA 90017	
Michael Darron Jay	
BOIES SCHILLER & FLEXNER	BSF_EXTERNAL_UberWaymoLit@bsflp.com
LLP	
401 Wilshire Boulevard, Suite 850	
Santa Monica, CA 90401	
Meredith Richardson Dearborn	
BOIES SCHILLER FLEXNER	

1 LLP
2 435 Tasso Street
3 Suite 205
4 Palo Alto, CA 94301

5 Hamish Hume
6 Jessica E Phillips
7 Karen Leah Dunn
8 Kyle N. Smith
9 Martha Lea Goodman
10 BOIES SCHILLER FLEXNER
11 LLP

12 1401 New York Ave., NW
13 Washington, DC 20005

14 I. Neel Chatterjee (SBN 173985)
15 GOODWIN PROCTER LLP

nchatterjee@goodwinlaw.com

16 135 Commonwealth Drive

17 Menlo Park, CA 94025

18 Tel.: +1 650 752 3100

19 Fax: +1 650 853 1038

20 Brett M. Schuman (SBN 189247)

21 bschuman@goodwinlaw.com

22 Shane Brun (SBN 179079)

23 sbrun@goodwinlaw.com

24 Rachel M. Walsh (SBN 250568)

25 rwalsh@goodwinlaw.com

26 GOODWIN PROCTER LLP

27 Three Embarcadero Center

28 San Francisco, California 94111

13 Tel.: +1 415 733 6000

14 Fax.: +1 415 677 9041

15 **BY ELECTRONIC MAIL TRANSMISSION:** by electronic mail transmission from
16 jamesjudah@quinnemanuel.com on June 28, 2017, by transmitting a PDF format copy of such
17 document(s) to each such person at the e mail address listed above. The document(s) was/were
18 transmitted by electronic transmission and such transmission was reported as complete and
19 without error.

20 Executed on June 28, 2017, at San Francisco, California.

21 */s/ Lindsay M. Cooper*
22 Lindsay M. Cooper